

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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JANE DOE, a minor, by her parents and next  
friends, JOHN DOE and JILL DOE,

Plaintiff,

v.

Case No.: 24-CV-354

ELKHORN AREA SCHOOL DISTRICT and  
JASON TADLOCK, in his individual capacity.

Defendants.

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**DECLARATION OF RYAN McBURNEY**

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Pursuant to 28 U.S.C. § 1746, I hereby declare the following to be true under penalty of perjury.

1. That I am currently employed by the Elkhorn Area School District (the “District”) as Principal of Elkhorn Area Middle School, and I have held that position at all times relevant to the lawsuit filed by Plaintiff, Jane Doe.

2. I am familiar with all the facts set forth herein and make this declaration based on personal knowledge.

3. The District is a public school District in Elkhorn, Wisconsin, in Walworth County.

4. The District has seven schools, including one middle school, Elkhorn Area Middle School.

5. Elkhorn Area Middle School where Plaintiff attends is for grades six to eight and serves approximately 646 students, 318 girls and 328 boys.

6. On February 5, 2025, I met with Plaintiff and their family.

7. Plaintiff and Plaintiff's family informed me that Plaintiff had anxiety about attending school in person after President Trump's inauguration.

8. At the meeting, Plaintiff's family expressed a desire for Plaintiff to complete work virtually until they could return to school.

9. The option of virtual school was discussed as being okay for the short term, but that an extended period of online learning for classes organized around the District's in-person educational model did not fit with the school's education model.

10. It was agreed that Plaintiff would focus on their English and Math studies through February 14, 2025, and then return for half-days in person as a transition back to in-person learning.

11. Plaintiff did not return to school on February 17, 2025.

12. I spoke with Plaintiff's father on February 18, and he stated that Plaintiff was still suffering from anxiety and had an appointment, which I assumed was with a counselor, on Friday, February 21, 2025.

13. Thereafter, Plaintiff's family continued to call them in as being absent.

14. I spoke with Plaintiff's father on February 28, 2025, regarding Plaintiff's continued absence from school and he indicated that the family was likely to transfer to the District's online school educational model if the absences continued.

15. On March 4, 2025, Plaintiff's father emailed me and informed me that Plaintiff would be transferring from the District's in-person educational model to our online school (Options Virtual Charter School).

16. Attached as Exhibit A is a true and correct copy of the March 4, 2025, email conversation between myself and Plaintiff's parents regarding Plaintiff's transfer to Options Virtual Charter School.

17. On March 25, 2025, I received Plaintiff's official transfer paperwork which stated Plaintiff's start date at Options Virtual Charter School as April 4, 2025.

18. The intake meeting for Plaintiff's enrollment in the online program is scheduled for March 31, 2025.

19. Plaintiff has not attended in person school since January 31, 2025.

20. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and recollection.

Dated this 27th day of March, 2025.

/s/ Ryan McBurney  
Ryan McBurney